

Remarks

Claims 5-15 were pending in the present application.

Applicants have canceled claims 9-12, without prejudice, and amended claims 5-8 and 12-15, without prejudice. Applicants reserve the right to pursue the deleted subject matter in one or more continuing applications.

The claim amendments have been made to clarify that which Applicants regard as the invention and to delete redundant subject matter. Specifically, claims 5-8 have been amended to recite specific temperature ranges for each of the steps. The temperature below a physiological optimum is specified as from 31°C to 34°C. The temperature at or near a physiological optimum temperature is specified as from 35°C to 38°C. Support for these amendments can be found in the specification, published as U.S. Patent Application Publication No. US 2005/0176146 A1 ("published specification"), for example, at paragraph [0028]. Claims 12-15 have been amended to recite a narrower specific temperature range (36°C to 38°C) for the temperature at or near a physiological optimum. Support for these amendments can be found in the published specification, for example, at paragraph [0028]. Claims 12-15 have been further amended to delete reference to the temperature for cell growth in step b), as the specified temperature range has been incorporated into claims 6-8.

No new matter has been added by these amendments.

After entry of the amendments, claims 5-8 and 12-15 will be pending.

Applicants respectfully request entry of the foregoing amendments and consideration of the following remarks.

Claim Rejections – 35 U.S.C. § 112

Claims 5-11 stand rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

The Examiner maintains that the metes and bounds of claim 5-8, with respect to the phrases, "at a temperature below a physiological optimum for host cell growth", and "at or near a physiologically optimum temperature for producing virus", cannot be determined.

Without admitting to the propriety of the rejection and in an effort to advance prosecution of the present application, Applicants have amended claims 5-8 to recite specific temperature ranges for a "temperature below a physiological optimum for host cell growth" (i.e., 31°C to 34°C) and "a temperature at or near a physiologically optimum temperature for producing virus" (i.e., 35°C to 38°C).

Accordingly, the rejection has been obviated.


For the above reasons, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 112.

CONCLUSION

Applicants believe the claims are in condition for allowance. An early indication of the same is requested. The Examiner is invited to contact Applicants' Attorney at the telephone number given below, if such would expedite the allowance of this application.

Respectfully submitted,

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